

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DYNAENERGETICS EUROPE GMBH
and DYNAENERGETICS US, INC.,

Plaintiffs,

v.

YELLOW JACKET OIL TOOLS, LLC.,

Defendant.

Civil Action No: 4:21-cv-02599

ORDER GRANTING MOTION TO DISMISS

Before the Court is the Motion to Dismiss filed by Plaintiffs DynaEnergetics Europe GmbH and DynaEnergetics US, Inc. (collectively, “DynaEnergetics”). DynaEnergetics has moved to dismiss its claims against Defendant Yellow Jacket Oil Tools, LLC (“Yellow Jacket”) with prejudice in reliance on the sworn declaration of John Kaiser dated January 29, 2021 (Dkt. 16-1) and Yellow Jacket’s assertions that it “does not engage in any of the alleged acts of infringement and does not have any operations” (Dkt. 16 at 1), which have been accepted and relied upon by the Court. Having considered the Motion, any response or reply, and the arguments of counsel, the Court is of the opinion that the Motion should be and hereby is **GRANTED**.

It is, therefore, **ORDERED** that the claims asserted by DynaEnergetics against Yellow Jacket in the above-captioned matter are hereby **DISMISSED WITH PREJUDICE**.

It is further **ORDERED** that the counterclaims asserted by Yellow Jacket against DynaEnergetics in the above-captioned matter are **MOOT** and, therefore, also hereby **DISMISSED WITH PREJUDICE**.

It is further **ORDERED** that DynaEnergetics and Yellow Jacket shall each bear their own costs, expenses, and attorneys' fees.

It is further **ORDERED** that this order of dismissal has no effect on any claims of infringement by DynaEnergetics against G&H Diversified Manufacturing, LP, defendant in the co-pending *DynaEnergetics Europe GmbH, et al v. G&H Diversified Manufacturing, LP*, C.A. No. 6:20-cv-01110-ADA (WDTX) ("G&H"), or with respect to any claims of infringement by parties other than Yellow Jacket relating to the accused products identified in paragraph 8 of the Amended Complaint (Dkt. 17).

SO ORDERED and SIGNED this ____ day of _____, 2021.

UNITED STATES DISTRICT JUDGE
ANDREW S. HANEN